

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

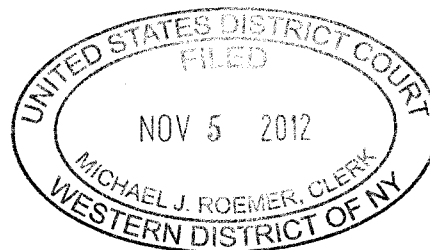
Rev. CARPEAH RUDOLPH NYENЕКOR, Sr.,
A037058943,

Petitioner,

-v-

ERIC H. HOLDER, Jr. Attorney General and
TODD TRYON, Asst. Field Office Director
Immigration and Customs Enforcement,

Respondents.



DECISION AND ORDER
12-CV-1035Sr

Petitioner Rev. Carpeah Rudolph Nyenekor, Sr., who is currently detained at Buffalo Federal Detention Facility pursuant to a final order of removal, seeks relief pursuant to 28 U.S.C. § 2241 as more fully set forth in the petition.

Petitioner also seeks permission to proceed *in forma pauperis* and is requesting assignment of counsel

IT HEREBY IS ORDERED as follows:

1. Petitioner's request to proceed as a poor person is granted.
2. Petitioner's request for assignment of counsel is denied as premature.
3. Within **45 days** of the service of this order, respondent shall file and serve an **answer** to the application with the Clerk of Court which shall respond to

the allegations of the petition. Alternatively, in the appropriate case, respondent may file a motion to dismiss the petition, accompanied by pertinent exhibits which demonstrate that an answer to the petition is unnecessary, by no later than **45 days** from service of this order.

Respondent also shall file and serve by the above date a **memorandum of law** with the Clerk of Court addressing each of the issues raised in the petition and including citations of relevant supporting authority. Respondent is directed to accompany all citations to sections of the Immigration and Naturalization Act with reference to the appropriate sections of 8 U.S.C.

Petitioner shall have **25 days** upon receipt of the answer to file a written response to the answer and memorandum of law (or motion to dismiss).

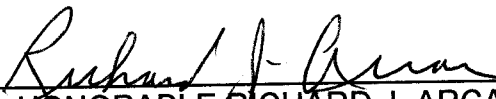
4. The Clerk of Court shall serve a copy of the petition, together with a copy of this order, by certified mail, upon the following:

- Facilities Director, Buffalo Federal Detention Center, 4250 Federal Drive, Batavia, New York 14020;
- Office of General Counsel, Department of Homeland Security, Washington, D.C. 20528;
- Attorney General of the United States, Main Justice Building, 10th and Constitution Avenues N.W., Washington, DC 20530;

• United States Attorney for the Western District of New York, Civil
Division, 138 Delaware Avenue, Buffalo, New York 14202.

**THE PETITIONER MUST FORWARD A COPY OF ALL FUTURE
PAPERS AND CORRESPONDENCE TO THE ATTORNEY APPEARING FOR
THE RESPONDENT.**

IT IS SO ORDERED.



HONORABLE RICHARD J. ARCARA
DISTRICT JUDGE
UNITED STATES DISTRICT COURT

Dated:

Nov. 1, 2012